

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MATTHEW HEADLEY HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	Case No.: 02-0654-CV-W-FJG
vs.)	
)	
McCLEARY, INC., et al.,)	
)	
Defendants.)	

ORDER

The Court, having reviewed Plaintiff Matthew Headley Holdings, LLC's ("MHH") and Defendant McCleary, Inc.'s, ("McCleary") Joint Motion To Deposit Monetary Judgment With The Court And To Disburse A Portion Thereof (Doc. No. 441), and the Suggestions in Opposition to said motion filed by Affinity Snack Food Company (Doc. No. 442), and the Joint Reply Suggestions filed by Plaintiff, defendant and Affinity (Doc. No. 443) including the proposed Order stipulated to by said parties does hereby order adjudge and decree as follows:

1. Pursuant to the opinion issued by The United States Court of Appeals for the Eighth Circuit in the above case and the agreement and stipulation of the plaintiff and defendants, the Court hereby enters final judgment including costs and post-judgment interest for the plaintiff and against defendant McCleary, Inc., in the total amount of **Two Million Two Hundred Forty Thousand Five Hundred Fifty Three Dollars and Sixty Five Cents (\$2,240,553.65)** (hereinafter the "Judgment Amount").

2. Defendant McCleary is hereby authorized and permitted to deposit the Judgment Amount into the registry of this Court by wire transfer directed to Commerce Bank, 922 Walnut Street, Kansas City, Missouri 64106, Account #19532, Routing #101000019.

3. The Clerk of the United States District Court for the Western District of Missouri shall receive said sums in the account referenced herein above.

4. Upon receipt of the Judgment Amount in the above account the judgment herein rendered shall be considered satisfied in full, and the Supercedeas Bond posted by defendant McCleary (Doc. No. 391), as amended by, and together with the Bond Change Rider (Doc. No. 431) be fully and unconditionally discharged, released and exonerated and that Travelers Casualty and Surety Company of America, as surety, and its parent, affiliates and subsidiaries and McCleary, Inc., as principal are hereby released from any and all past, present and future liability in connection with the issuance of the Supercedeas Bond and/or the Bond Change Rider.

5. As soon after the Judgment Amount is deposited as possible, the Clerk of Court shall issue checks payable to the Plaintiff's lawyers as follows:

The Healy Law Firm, LLC 1100 Main Street, Suite 2600 Kansas City, MO 64105	\$519,629.09
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The Law Offices of Tim Dollar, LC 1100 Main Street, Suite 2600 Kansas City, MO 64105	\$512,191.45
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Bartimus, Frickleton Robertson & Gorney, PC	\$113,304.66
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1100 Main Street, Suite 2630
Kansas City, MO 64105

6. As soon after the Judgment Amount is deposited as possible, the Clerk shall issue a check payable to "Affinity Snack Food Company," in the amount of \$126,671.00, as of June 12, 2006, plus any additional interest which shall have accrued between June 12, 2006 and the date of issuance of the check, which interest shall accrue from and after June 12, 2006 at the rate of \$21.99 per day. The Clerk shall contact Affinity's lawyer (Michelle Masoner) to arrange for the delivery of the check, which shall be picked up at the Clerk's office as soon as possible. Upon such delivery any and all liens, garnishments and other encumbrances created by or arising out of the Judgment granted Affinity in Case No. 4:05cv3086 (D. Neb) (Doc. No. 442, attachment #1) shall be and hereby are ordered released, extinguished, satisfied and waived. Immediately upon delivery of the funds by the Clerk, Affinity shall file a Satisfaction of Judgment in the United States District Court for the Western District of Missouri in Case No. 06-9026-MC-W-DW and, within 10 calender days, shall dismiss with prejudice Case No. 4:06cv3112 pending in the United States District Court for the District of Nebraska and file a Satisfaction of Judgment in Case No. 4:05cv3086 also pending in the United States District Court for the District of Nebraska, and withdraw any and all legal actions to execute upon the Affinity Judgment which are now pending.

7. The remaining balance of the Judgement Amount shall be retained by the Court in the account referenced herein for the benefit of Plaintiff Matthew Headley Holdings, LLC, and creditors Shearer's Foods, Blackwell Sanders Peper Martin, LLP, and

Polsinelli Shalton Welte Suelthaus PC, pending resolution of those creditors' claims to a lien or other payment from the Judgment Amount.

IT IS SO ORDERED.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr.
United States District Judge

Dated: June 22, 2006
Kansas City, Missouri